

WV State Code §16-9A-2
(As Amended March 2010)

§16-9A-2. Sale or gift of cigarette, cigarette paper, pipe, cigar, snuff, or chewing tobacco to persons under eighteen; penalties for first and subsequent offense; consideration of prohibited act as grounds for dismissal; impact on eligibility for unemployment benefits.

(a) No person, firm, corporation or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of eighteen years:

(1) Any pipe, cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco or tobacco product; or

(2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form.

(b) Any firm or corporation that violates any of the provisions of subdivision (1) or (2), subsection (a) of this section and any individual who violates any of the provisions of subdivision (1), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$50 for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: At least \$250 but not more than \$500 for the second offense, if it occurs within two years of the first conviction; at least \$500 but not more than \$750 for the third offense, if it occurs within two years of the first conviction;; and at least \$1,000 but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.

(c) Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of eighteen years any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

(d) Any employer who discovers that his or her employee has sold or furnished tobacco products to minors may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits in accordance with the provisions of section three, article six, chapter twenty-one-a of this code, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in their termination from employment.

Funded By

**Federal Substance Abuse Prevention &
Treatment Block Grant Funds**

Administered Through

**The WV Department of
Health and Human Resources**

**Bureau for Behavioral Health and
Health Facilities**



Bureau for Behavioral Health & Health Facilities

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WVDHHR

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**Retailer
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≡ Tips to Avoid Fines

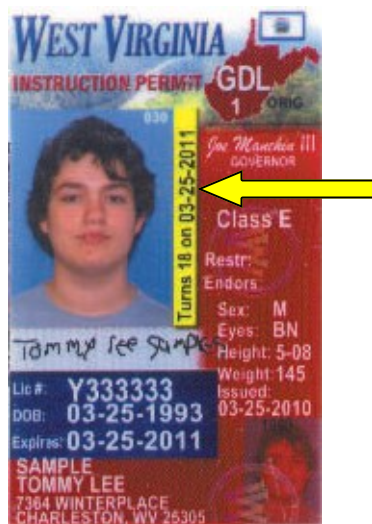
**It is against the law
to sell
tobacco products*
to anyone under the
age of 18.**

**Under WV State Code, clerks, store
owners, and corporations who sell
tobacco products to customers
under the age of 18 will be fined.**

***Tobacco products include:**

- ⇒ Cigarettes
- ⇒ Cigarette Papers
- ⇒ Pipes
- ⇒ Cigars
- ⇒ Snuff
- ⇒ Snus
- ⇒ Chewing tobacco
- ⇒ Any product that contains tobacco

**Both of the IDs pictured below are
valid until the date of expiration.**



Note: On sample photos, it states 'Not for Federal Identification'. The statement occurs on display copy only so that the photo cannot be scanned and used illegally. It will not appear on valid licenses.

⇒ **Always ask for and
carefully look at IDs. If you
see **RED**, don't sell.**

⇒ **Check the birthdate. If
today's date is before the
birthdate on the ID, the
customer is **NOT 18**. Don't
sell.**

⇒ **Compare the picture on the
ID with the customer. If you
suspect they are not the
same person, don't sell.**

⇒ **If you suspect the ID is a
fake, don't sell.**

**The U.S. Food and Drug
Administration (FDA) requires that
retailers verify the age of
purchasers of cigarettes or
smokeless tobacco who are under
the age of 27 by means of
photographic identification that
contains the bearer's date of birth.**